

The President decided that the bill was rejected, a two-thirds vote being necessary to pass it.

Mr. Paschal appealed from the decision of the chair.

The Senate refused to sustain the decision of the chair, by the following vote :

YEAS.—Messrs Burroughs, Caldwell, Erath, Graham, Grimes, Guinn, Hyde, Lott, Pirkey, Russell, Taylor of Cass, Truitt, Walker, and Wren—14.

NAYS.—Messrs Britton, Fall, Herbert, McCulloch, Martin, Maverick, Paschal, Pedigo, Potter, Quinan, Scarborough, Shepard, Stockdale, Taylor of Fannin, Throckmorton and Wigfall—16.

Mr. Potter moved the reconsideration of the vote passing the bill—lost.

Mr. Quinan moved a reconsideration of the vote taken on Saturday last, which passed a bill for the relief of the Colorado Valley Railroad company—carried.

Mr. Stockdale offered the following, as an amendment: add to section 2, “and at least three hundred thousand dollars of the Capital Stock of said Company shall be subscribed by the 1st day of February, 1859. Adopted.

The bill was then passed by the following vote :

YEAS.—Messrs Britton, Burroughs, Caldwell, Erath, Fall, Grimes, Guinn, Herbert, Hyde, McCulloch, Maverick, Martin, Paschal, Pirkey, Potter, Quinan, Scarborough, Shepard, Stockdale, Throckmorton, Truitt and Walker—22.

NAYS.—None.

On motion of Mr. Stockdale, a bill to incorporate the Indianola Railroad company, with amendments from the House, was taken up, read, and the amendments concurred in by the Senate.

On motion of Mr. Britton, the Senate adjourned until to-morrow morning, at 10 o'clock.

TUESDAY, January 19th 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesday was read and adopted.

Mr. Stockdale presented the petition of sundry citizens of the town of Victoria, asking an amendment to the act incor-

porating said town ; referred to the committee on the Judiciary.

Mr. Walker presented the petition of Ferguson & Hall ; referred to the committee on Public Debt.

Mr. Potter, chairman of the committee on the Judiciary, made the following report :

The Judiciary committee have considered a bill regulating Executions, and a majority of the committee direct me to return the same to the Senate and recommend its passage.

Mr. Wren, made the following report :

The committee on the Land Office to which was referred a bill supplemental to an act to give to each corporate county its own County Surveyor, Maps and Records, which passed the Senate and was passed by the House with amendments, have considered the same, and direct me to report favorably upon the first amendment, and to recommend that the Senate concur therein, and to report unfavorably upon the second amendment, and to recommend that the Senate do not concur in the same, as the last amendment imposes some duties not contemplated in the caption of the bill. The committee also direct me to ask a committee of Conference on the part of the Senate.

On motion of Mr. Wren the rule was suspended, bill and report taken up and read.

On motion of Mr. Taylor, of Cass, the report was laid on the table.

On motion of Mr. Guinn, the Senate concurred in the first amendment.

Mr. Throckmorton submitted to the Senate that a motion to amend the amendment of the House to a Senate bill had precedence under the rules, of a motion to agree or disagree, to said amendment, and asked the opinion of the Chair upon the point.

The President submitted the question to the Senate for its decision.

Mr. Taylor, of Cass, moved that the Senate adhere to its former practice of taking the vote in such cases, directly upon the question of agreement or disagreement in the amendment ; which motion prevailed by the following vote :

YEAS—Messrs. Fall, Graham, Guinn, Hyde, Lott, McCulloch, Maverick, Paschal, Pirkey, Potter, Russell, Stockdale, Taylor, of Cass, Taylor, of Fannin, Walker and Wigfall—16.

NAYS — Messrs. Britton, Burroughs, Caldwell, Erath, Grimes, Herbert, Martin, Quinan, Throckmorton, Truitt, Whaley and Wren—12.

On motion of Erath, the Senate refused to concur in the second amendment.

A message was received from the House informing the Senate that the House had passed a bill, originating in that body, to purchase a permanent site for the Institution for the instruction of the Deaf and Dumb, and

A bill originating in the Senate, for the relief of Thomas Leftwick's heirs,

And for the relief of Ashmore Edwards,

And the following bills originating in the House :

A bill to incorporate Dallas Lodge No. 44, I. O. O. F.

A bill for the relief of Henry Hilton.

A bill to incorporate the Mellville Male and Female Academy, in Rusk county, and

A bill supplemental to and amendatory of an act providing for the support of Schools.

Mr. Russell, chairman of the committee on engrossed bills reported :

A bill to incorporate the McKinney Bridge and Ferry Company.

B bill to fix the time of holding the District Courts in the 10th Judicial District.

A bill for the relief of Mrs. Ann T. Hunt, widow of the late Memucan Hunt, and

A bill for the relief of the heirs of John B. Webb, dec'd, correctly engrossed.

Mr. Wigfall, chairman of the committee on State Affairs, reported a Joint Resolution to amend the Constitution and recommended its passage, which was read first time.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following reports :

The committee to whom was referred a bill for the relief of James O. Rice, have considered it and find that the applicant was in that unfortunate expedition known as the Snively's. He alleges that he lost a horse in said expedition. The committee think from the proof that he did lose a horse in the expedition, but state that the Government did not promise at that time or at any other time to be responsible for property, lost or killed, on that or any similar expedition ; from the fact that it was a Ranging service, and if the applicant was

entitled to pay, it was twenty-five dollars per month, he, the Soldier furnishing his horse and all that was necessary to equip him for the service, and this being the rule in such expeditions, it is immaterial with the State as to the loss or destruction of property, belonging to the Soldiers composing said expedition. The Soldier must take the chances when he enters the service. The committee are informed that the applicant was a good Soldier, but all they can do is to recommend him to the favor of a kind and grateful people, for whom he faithfully fought ; and return the bill to the Senate and recommend that it be rejected.

The Committee on Claims and accounts to whom was referred the petition of Wm. H. Chandler, asking for money and land, have duly considered it, and find the facts to be about as follows :

That on the 10th day of January, 1836, the said Chandler was commissioned Captain by General T. J. Chambers, at Nashville, Tennessee ; that said Captain Chandler raised a company of fifty-four men for the Texas service, and raised a portion of what was called the reserve.

Petitioner alleges that he furnished the means out of his own pocket for transporting said company to Texas, which amounted in all to the sum of \$1050 ; he claims \$450 for six months service as Captain ; he further claims 640 acres of Bounty Land ; the above facts are sworn to by the applicant. General Chambers stated to the committee that he knows that Chandler did raise the company, and he believes brought them to Texas, and that all the charges made by Captain Chandler for transporting said company are reasonable ; but as to the fact of Captain Chandler having furnished the means for the transportation of said Company, from his private funds he knows nothing about.

Also one witness swears that he was a private in said company, and it was understood that Captain Chandler, paid the most of the expenses, but does not know the amount he may have paid out. The committee would state that they have examined the offices of this city and find no evidence that there ever was such a company in the Texas service as Capt. Chandler's company, and they further state, that they find no muster roll, no memoranda of pay, and especially they find no record that Chandler if ever in the service, was honorably discharged, and this your committee believe should be and was made by the accounting officers of the Republic an inva-

riable and necessary prerequisite to the obtainment of either pay or bounty. The committee are of the opinion that there was such a company as Capt. Chandler's ; but it would be unwise at this late date, say twenty-two years after the rendering of the service, to allow claims of this kind without the strictest proof, and that record evidence should be offered or its want, satisfactorily explained, which has not been done in this case. They further state that under the law creating the Court of Claims, that claims for money not presented by the first day of January, 1858, should be barred.

The committee having examined the claim in all its bearings, have come to the conclusion that under the law it is their duty to report it back and recommend its rejection. All of which is respectfully submitted.

Mr. Burroughs, one of the committee on Enrolled Bills, reported the following to be correctly enrolled, and on this day presented to the Governor.

A bill granting a pension to Lewis Keats.

A bill authorizing the Governor to draw and distribute the arms and accoutrements, from the United States Government to which the State of Texas is entitled.

A bill to organize the third Judicial District and to prescribe the time of holding Courts therein.

A bill to amend an act creating the county of Comanche, and an act amendatory thereto.

A bill to consolidate in one act and amend the several acts incorporating the town of Rusk, in Cherokee county.

A bill to incorporate the Eastern Texas Railroad Company.

A bill to amend the first Section of a Joint Resolution for the relief of the Company of Rangers, commanded by Capt. Wm. Becknall in the year 1836.

A bill for the relief of Thomas Leftwick's heirs,

And for the relief of Ashmore Edwards, and

A Joint Resolution, relative to charges made against Hon. J. C. Watrous.

Mr. Herbert made the following report :

The Select committee to whom was referred the Joint Resolution, proposing an amendment to the Constitution of the State, creating a Bank, with branches, have had the same under consideration and instruct me to report the same back to the Senate, for their consideration. At the same time the committee desire me to say, they favor the submission of the

above question to the people, that they are individually opposed to banking.

ORDERS OF THE DAY.

The bill authorizing and requiring the County Courts to regulate Roads, appoint Overseers, &c., &c., with the report of the committee on Roads, Bridges and Ferries, offering amendments thereto, special order for to-day, was taken up, read ; the amendments adopted.

Mr. Russell moved to amend by striking out all after the word "Gospel," in ninth line, Section 12.

To the word "shall," line thirteenth, same Section.

Mr. Guinn, moved to lay the amendment on the table ; lost by the following vote :

YEAS—Messrs. Caldwell, Erath, Guinn, Hyde, Paschal, Potter, Quinan, Shepard, Taylor, of Cass and Wigfall—10.

NAYS—Messrs. Britton, Burroughs, Fall, Grimes, Herbert, Lott, McCulloch, Martin, Maverick, Pirkey, Russell, Stockdale, Taylor, of Fannin, Throckmorton, Truitt, Whaley and Wren—17.

Mr. Stockdale moved the reference of the bill and amendments to the committee on the Judiciary ; carried.

Mr. McCulloch, by leave introduced a bill supplemental to an act to create the counties of Archer, Mason, Menard, Zapata, Hardin, Hamilton, Kimble and Buchanan ; read first time.

On motion of Mr. Erath, the rule was suspended, bill read second time and ordered to be engrossed.

Rule further suspended, bill read a third time and passed.

A bill to establish the University of Texas, special order for to-day, was read.

Mr. Lott, moved to postpone the bill until Monday next, and that it be printed.

On motion of Mr. Herbert, the motion was laid on the table.

Mr. Throckmorton moved to amend by striking out "five," in fourteenth line of Section 2, and inserting "ten."

Mr. Paschal moved to lay the amendment on the table ; lost by the following vote :

YEAS — Messrs. Caldwell, Erath, Herbert, McCulloch, Maverick, Paschal, Pirkey, Potter, Quinan, Shepard, Stockdale, Taylor, of Fannin and Wigfall—13.

NAYS—Messrs. Britton, Burroughs, Fall, Graham, Guinn, Lott, Martin, Russell, Taylor of Cass, Throckmorton, Truitt, Walker, Whaley and Wren—14.

The amendment was then adopted by the following vote :

YEAS—Messrs. Britton, Burroughs, Fall, Graham, Grimes, Guinn, Lott, Martin, Russell, Taylor, of Cass, Throckmorton, Truitt, Walker, Whaley and Wren—15.

NAYS—Messrs. Caldwell, Erath, Herbert, Hyde, McCulloch, Maverick, Paschal, Pirkey, Potter, Quinan, Shepard, Stockdale, Taylor, of Fannin, and Wigfall—14.

Mr. Taylor, of Cass, offered the following as an amendment.

Provided, That the said University shall be located between the Brazos and Trinity rivers.

On motion of Mr. McCulloch, laid on the table by the following vote.

YEAS—Messrs. Britton, Caldwell, Erath, Graham, Grimes, Herbert, Hyde, Lott, McCulloch, Maverick, Paschal, Pirkey, Potter, Quinan, Shepard, Stockdale, Taylor, of Fannin, Throckmorton and Wigfall—19.

NAYS—Messrs. Burroughs, Fall, Guinn, Martin, Russell, Taylor, of Cass, Truitt, Whaley and Wren—9.

The bill was then ordered to be engrossed.

Mr. McCulloch moved to adjourn until 7 o'clock to-night ; lost.

On motion of Mr. Taylor, of Fannin, the Senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, January 20, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called, quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House, informing the Senate that the House had concurred in the amendments of the Senate to a House bill for the relief of the Colorado Valley Railroad Company, and that the House had passed a bill supplemental to an act to provide for the investment of the special school fund in the bonds of railroad companies, incorporated by the State, originating in that body ; and the following bills originating in the Senate :

A bill for the relief of Sam. McCulloch.